United Nations S/2005/44

Security Council

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Letter dated 25 January 2005 from the Chairman of the Security Council Committee established pursuant to resolution 1132 (1997) concerning Sierra Leone addressed to the President of the Security Council

I have the honour to transmit herewith the report of the Security Council Committee established pursuant to resolution 1132 (1997) concerning Sierra Leone containing an account of the Committee's activities for the year 2004 (see annex). The report, which was adopted by the Committee on 25 January 2005, is being submitted in accordance with the note by the President of the Security Council dated 29 March 1995 (S/1995/234).

(*Signed*) Ronaldo Mota **Sardenberg**
Chairman
Security Council Committee established pursuant to
resolution 1132 (1997) concerning Sierra Leone

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Annex

Report of the Security Council Committee established pursuant to resolution 1132 (1997) concerning Sierra Leone

I. Introduction

1. The present report of the Security Council Committee established pursuant to resolution 1132 (1997) concerning Sierra Leone covers the period from 1 January to 31 December 2004.

2. A report of the Committee covering its activities from 21 December 2002 to 31 December 2003 was submitted to the Security Council on 27 February 2004 (S/2004/166).

3. For 2004, the Bureau consisted of Ambassador Ronaldo Mota Sardenberg (Brazil) as Chairman, with the delegations of Algeria and Pakistan providing the Vice-Chairmen (S/2004/4).

4. During the reporting period, the Committee held one formal and two informal meetings.

II. Background information and summary of the work of the Committee

A. Background information

5. By its resolution 1132 (1997) of 8 October 1997, the Security Council, determining that the situation in Sierra Leone, following the military coup of 25 May 1997, constituted a threat to international peace and security in the region, imposed a mandatory ban on the sale or supply by States to Sierra Leone of arms and related materiel as well as petroleum and petroleum products. The Security Council, by paragraph 5 of the resolution, also imposed travel restrictions on members of the military junta and adult members of their families. Subsequently, by its resolution 1156 (1998) of 15 March 1998, the Council lifted the oil embargo and, by its resolution 1171 (1998) of 5 June 1998, confirmed the removal of sanctions on the Government and reimposed the embargo on the sale or supply of arms to Sierra Leone other than to the Government, as well as the travel ban on leading members of the Revolutionary United Front and of the former military junta.

6. On 5 July 2000, the Security Council adopted resolution 1306 (2000) in which it decided, inter alia, that all States should, for an initial period of 18 months, prohibit the direct or indirect import of rough diamonds from Sierra Leone to their territory. In the same resolution, the Council also decided that diamonds controlled by the Government of Sierra Leone through the certificate of origin regime would be exempt from those measures.

7. The Council's prohibitions on the import of rough diamonds from Sierra Leone not controlled by the certificate of origin regime were extended for an additional period of 11 months by its resolution 1385 (2001), and for another period of 6 months by its resolution 1446 (2002).

8. On 5 June 2003, the President of the Security Council read out a statement to the press (SC/7778) in which he noted, inter alia, that in the light of the increased efforts of the Government of Sierra Leone to control and manage its diamond industry and ensure proper control over diamond mining areas and its full participation in the Kimberly Process, members of the Council had agreed not to renew the prohibition against the import of rough diamonds from Sierra Leone not controlled by the certificate of origin regime.

B. Summary of the activities of the Committee

9. At its 35th meeting, on 24 February 2004, the Committee considered a letter dated 22 December 2003 from the Permanent Representative of Sierra Leone to the United Nations confirming the death of Colonel Sam Bockarie and Corporal Foday Sayabana Sankoh and decided to update accordingly the list of individuals affected by the travel restrictions imposed by paragraph 5 of resolution 1171 (1998). The Committee issued a revised travel ban list on 25 February 2004, which was subsequently communicated to all States by note verbale and issued as a press release of the Security Council (SC/8008). The revised list was also made available on the Committee's web site (http://www.un.org/Docs/sc/committees/SLTemplate.htm).

10. On 4 March 2004, the Chairman wrote to the Permanent Representative of Sierra Leone to the United Nations informing him of the Committee's decision to remove the two individuals from its list of people affected by the travel restrictions imposed by paragraph 5 of resolution 1171 (1998). In the same letter, the Chairman also sought the views of the Government of Sierra Leone on the future of the travel ban as well as any additional relevant information regarding those individuals who remained on the travel ban list. The Permanent Representative of Sierra Leone conveyed a reply to the Committee dated 28 July 2004 that contained a recommendation from the Government of Sierra Leone to remove the names of 16 individuals from the travel ban list.

11. During its informal consultations on 10 September 2004, the Committee considered the letter from the Permanent Representative of Sierra Leone dated 28 July 2004 and, on 20 September, decided to delete the names of the following individuals from the list of individuals affected by the travel restrictions imposed by paragraph 5 of resolution 1171 (1998): Major J. B. Cater-Tarawallie, Haroun S. Sankoh, Joe Amara Bangali, Alimamy Pallo Bangura, Victor O. F. Brandon, Major Fatoma Sanoh Gottor, Sahr Kondewa Kaigbanga, Major Augustine F. Kamara, Colonel Karefa I. S. Kamara, Dr. Baila Leigh, Ajibola E. Manley-Spaine, Cecil Akindele Osho-Williams, UmaruDin Sesay, Allieu Badara Kamara, Major Gabriel Turay and Major John E. Milton. The Committee issued a revised travel ban list on 20 September 2004, which was subsequently communicated to all States by note verbale and published as a press release of the Security Council (SC/8192). The revised list was also made available on the Committee's web site. In a letter dated 30 September 2004, the Chairman informed the Permanent Representative of Sierra Leone to the United Nations of the Committee's decision to remove the names of the 16 individuals from the travel ban list and informed him that the Committee would welcome any further information or recommendations from the Government of Sierra Leone in connection with the travel ban list or the individuals whose names were inscribed thereon.

12. During its consultations on 23 July 2004, the Committee considered a letter dated 8 July 2004 from the Registrar of the Special Court for Sierra Leone. In his letter, the Registrar made reference to five individuals in the custody of the Special Court who were also included on the Committee's travel ban list. Noting that those individuals could become seriously ill or injured while in the custody of the Special Court, the Registrar asked the Committee to consider that possibility and to agree in advance to authorize the travel of the accused immediately upon the request of the Special Court. In his reply dated 4 August 2004, the Acting Chairman informed the Registrar that the Committee would look constructively upon travel ban waiver requests submitted by the Special Court on behalf of listed individuals in its custody who were in need of medical treatment abroad and specified the information required by the Committee in that regard.

13. In a letter dated 6 May 2004, the Permanent Mission of the United States of America notified the Committee of the export of non-lethal spare parts for helicopters of the Armed Forces of Sierra Leone, in accordance with paragraph 4 of resolution 1171 (1998). In accordance with the same paragraph, the Chairman informed the President of the Security Council about the notification received from the United States in a letter dated 12 May 2004 (S/2004/395).

14. On 10 May 2004, the Committee received a note verbale from the Permanent Mission of Argentina to the United Nations that described steps taken by the Government of Argentina in 2004 regarding the implementation of Security Council resolution 1171 (1998).

15. On 5 November 2004, the Committee adopted revised guidelines for the conduct of its work, which were subsequently posted on the Committee's web site.

C. Violations and alleged violations of the sanctions regime

16. During the reporting period, no violations or alleged violations of the sanctions regime were brought to the attention of the Committee.

III. Observations

17. In his twenty-fourth report on the United Nations Mission in Sierra Leone (UNAMSIL) (S/2004/965), the Secretary-General noted that the favourable security environment in Sierra Leone had facilitated further progress in the consolidation of peace in the country and had also enabled UNAMSIL to transfer the overall primacy for security responsibility to the Government of Sierra Leone. In 2005, the Chairman intends to undertake consultations within the Committee as to how it might most effectively carry out its work and interact with the Government of Sierra Leone in order to contribute to these positive developments.

18. The Chairman believes that the time might be ripe for the Security Council to revisit the legal basis of its measures concerning Sierra Leone and he hopes that consultations within the Committee regarding its future work will be of use to the Security Council in connection with streamlining the sanctions and revising their legal basis.

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Security Council

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26 January 2005

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Letter dated 26 January 2005 from the Permanent Representative of Georgia to the United Nations addressed to the President of the Security Council

I have the honour to write to you and, through you, to draw the attention of the Security Council to the recent developments in the conflict-resolution process in Abkhazia, Georgia.

At the outset, I would like to express sincere appreciation to the Secretary-General, Kofi Annan, for his report on the situation in Abkhazia, Georgia, and to commend the tireless efforts of his Special Representative, Heidi Tagliavini, in seeking a long-lasting, viable and peaceful resolution of the conflict in Abkhazia, Georgia.

Clearly, today the picture we observe in the conflict-resolution process has several new elements. First, and the most recent, are the self-styled presidential elections in Abkhazia, Georgia. It is absolutely obvious that these so-called elections must be considered illegal and illegitimate. Setting aside even the most fundamental international norms, how can anyone consider the election process fair or democratic when the vast majority of the population is forced out of this region of Georgia. Here I would like to note that according to the data provided by various international organizations, approximately 100,000 inhabitants currently live in Abkhazia, Georgia, while before the conflict the population of the region was more than 500,000.

Furthermore, there is one additional aspect characterizing the situation, which is receiving less international publicity. Nevertheless, I believe that it constitutes a major legal aberration. According to Abkhaz and Russian sources, nearly 80 per cent of the population currently living on the territory controlled by the secessionist regime has Russian citizenship. These are the people who participated in the "elections", unlike others, especially those residing in the Gali region, who have been forced from "voting" stations by all available means, including physical aggression, threats, abductions, etc. (the intensity of such violence reached levels that outraged even such a person as Mr. Baburin, Deputy Speaker of the Russian Parliament). So, what does this mean? Citizens of Russia "elected" a "leader" of one of the regions in Georgia!

Isn't that an absurdity?

It was extremely interesting to follow developments after the first "elections". Obviously, the protégé of Russia and President Putin himself — at least that was

claimed on the "campaign" posters — could not live up to the expectations of his patrons and has lost the round. This triggered a chain of events that is rather interesting. Candidates were systematically summoned to high Kremlin cabinets. When persuasion failed, Moscow showed the world, including the population of Abkhazia, who really holds the reins in the region. On the eve of the so-called inauguration, Russia just closed the checkpoint on the Psou River, or, actually, did what it has been supposed to do since 1996 in accordance with numerous CIS decisions. This was followed by a "magnificent" move with the so-called Constitutional Agreement, signed, by the way, by the Deputy Prosecutor-General of the Russian Federation!

Isn't that an absurdity?

As soon as Moscow reached whatever it was aiming for (by the way, not bringing much stability to the region), the checkpoint was reopened and the railway connection resumed. Officially, the highest Russian authorities, including President Putin, are explaining these moves as the only way to avoid "civil confrontation" and bloodshed. Of course, we were and are strongly in favour of peaceful solutions, but was it not possible to make the same moves in coordination with Tbilisi? Or is it now considered bad taste to inform the capital of a friendly neighbouring country about sending envoys to one of its regions, ignoring even the basic visa regime? What shall we call observer missions sent to the "elections", which, obviously, could not be accepted as legitimate, much less in a situation where democracy is totally alien to the process?

Here I have to reiterate that despite all of the above-mentioned, the central authorities of Georgia are ready to resume negotiations with the Abkhaz side — with anybody who replaces Mr. Ardzinba. President Saakashvili stated several times that we watched the self-styled elections carefully and are ready to speak with any new leader any time. Unfortunately, we do not see readiness to do so from the Abkhaz side. Not much willingness to negotiate can be heard in the statements of the new leaders there. Undermining the conflict-resolution process further, the Abkhaz side vehemently rejects the demands of the Security Council. Namely, they still do not agree on accepting the so-called Boden document on "Basic principles for the distribution of competences between Tbilisi and Sukhumi", refuse to allow the opening of the Human Rights Office in Gali, are reluctant to address the issue of teaching Georgian children in their native language and oppose full deployment of the civilian police component of UNOMIG, which, as outlined in the report of the Secretary-General, operates only on the Georgian side, where it has "good cooperation with local law enforcement agencies".

It is rather sad, but still a reality, that we witness Security Council resolutions becoming just blank papers. It seems that only the Georgian side takes them seriously, while Abkhazis totally reject them (why not? — there is no consequent response to their stubbornness).

It has to be mentioned that the international format of negotiations was also lax in the wake of the self-styled elections. The Geneva process, which brought hope that progress in conflict-resolution could take place, is at risk of becoming just a discussion club. Some symptoms of such a dangerous development are already visible — previously discussed task groups have simply been lost, and the necessity to transfer the Boden paper to the Abkhaz side was not even mentioned at the last

meeting. We believe that Geneva process should be dynamic and results-oriented. It is inadmissible to emasculate the forum.

I still have to recall that there is a category of people whom we all have to keep in our minds. These are refugees and IDPs — victims of ethnic cleansing — who already for longer than a decade are waiting for their basic right — the right to live at home — to materialize. They still live in miserable conditions, totally insecure and vulnerable. Events that took place in the Gali region this month have demonstrated once again the lawlessness that they face. I think that members of the Security Council are aware of abductions that happened on "election" day. Actually, these excesses were committed in front of CIS peacekeepers, who did nothing to protect peaceful civilian people — by the way, not for the first time. In fact, after the ceasefire in 1994, over 2,000 Georgians were killed in the Gali security zone, which falls under the responsibility of the CIS peacekeeping force. I have to state once more that the CIS peacekeeping force is rather far from being impartial and is often backing Abkhaz separatist paramilitary structures. I think it is high time to start thinking of a new form of peacekeeping operation, as the activities of a Russian military contingent — which the CIS peacekeeping force, in fact, is — could hardly be considered a "peacekeeping operation".

I have to draw your attention to one additional alarming development. Russian military schools openly set — as publicized by Abkhaz and Russian media — special quotas and prepare military personnel for a secessionist regime. I would like to recall that Security Council resolution 876 (1993) clearly opposes such actions. Obviously, not everybody in Russia honours the decisions of the United Nations Security Council.

The Russian military base in Gudauta (in Abkhazia, Georgia), which is a foreign military base on the conflict territory, had to be disbanded and closed in 2001. Despite international obligations, this base, though downsized, still operates. We, on several occasions, have proposed to hand over the base to UNOMIG, thus, obviously, helping the Mission in its hard everyday operations. Unfortunately, the decision on this issue is constantly delayed.

Finally, I would like to sound an alarm — the longer this protracted "frozen" conflict remains unresolved, the more difficult it will be to find a compromise for long-lasting peace. Therefore, we wholeheartedly invite the Security Council to foster its involvement in the conflict-resolution process in Abkhazia, Georgia. One of the steps that the Security Council could take at this stage would be a field visit to Georgia — particularly to Sukhumi — to learn first-hand the reality on the ground and try to get out of the stalemate in the conflict-resolution process.

I should be grateful if you would have the text of the present letter circulated as a document of the Security Council.

(*Signed*) Revaz **Adamia**
Ambassador
Permanent Representative

United Nations A/ES-10/296-S/2005/46

General Assembly
Security Council

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General Assembly
Tenth emergency special session
Agenda item 5
Illegal Israeli actions in Occupied East Jerusalem and the rest of the Occupied Palestinian Territory

Security Council
Sixtieth year

Identical letters dated 26 January 2005 from the Chargé d'affaires a.i. of the Permanent Observer Mission of Palestine to the United Nations addressed to the Secretary-General and the President of the Security Council

In violation and in total contempt of international law, Israel, the occupying Power, continues to confiscate Palestinian land and to destroy property throughout the Occupied Palestinian Territory, including in and around East Jerusalem. Against the backdrop of ongoing efforts to calm the situation on the ground and resume the peace process, Israel is relentlessly pursuing its illegal policies and practices aimed at seizing and colonizing the Palestinian land, particularly by means of its unlawful construction of the Wall and its illegal settlement campaign. Measures also continue to be taken by the occupying Power to further restrict the freedom of movement of Palestinians in their own land, virtually imprisoning the civilian population in their respective cities, towns, villages and refugee camps. These actions are part and parcel of a continuous land grab by Israel intended to impose facts on the ground and entrench its occupation, in grave breach of international law and further complicating and undermining efforts for a peaceful resolution of this conflict.

This week, the occupying Power resumed construction of a section of the Wall by the illegal settlement of Ariel, which is located 12 miles deep into the West Bank. Israeli bulldozers have been razing land, confiscated by the occupying Power from its Palestinian owners, in the area, including in the village of Iskaka, for the construction of the Wall. Indeed, Israel continues to construct the Wall despite the ruling by the International Court of Justice, in its advisory opinion of 9 July 2004 (A/ES-10/273 and Corr.1), on its illegality. In this regard, it is necessary to reiterate that the Court concluded that Israel's construction of the Wall in the Occupied Palestinian Territory, including in and around East Jerusalem, and its associated regime are contrary to international law, and that Israel is under an obligation to cease its construction of the Wall, to dismantle the structure situated therein, to repeal or render ineffective all legislative and regulatory acts relating thereto, and to make reparation for all damage caused by the construction of the Wall. Regrettably, the occupying Power has been doing exactly the opposite. In flagrant disrespect for

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the Court's ruling and in direct violation of General Assembly resolution ES-10/15 of 20 July 2004, Israel has continued to confiscate Palestinian land and to inflict more damage as it has fervently continued its construction of the Wall.

In this regard, Israel continues to confiscate land in Occupied East Jerusalem and to enact other unlawful measures in its drive to entrench its illegal annexation of the city. It is being widely reported that the Israeli Government months ago approved a measure providing for the confiscation of thousands of dunums of land in and around East Jerusalem owned by Palestinians who live elsewhere. The measure, based on Israel's "Absentee Property Law", which has repeatedly been invoked to facilitate the seizure of Palestinian homes and land since 1950, is intended to prevent the use of these lands by their owners and transfer ownership to the occupying Power. It is unquestionable that the current measures being enacted are inherently connected to Israel's construction of the Wall in the East Jerusalem area. In many cases, Palestinian civilians have been unable to access their lands, including olive groves and orchards, because of the Wall and movement restrictions imposed by Israel, and in several cases, particularly in the Bethlehem area, Palestinians actually live only a short distance from or next to their properties that are now slated for confiscation.

Simultaneously, the occupying Power continues to take measures to further isolate and suffocate the Palestinian civilian population in the Gaza Strip. While the whole of Gaza is surrounded by a fence and the severest restrictions on movement into and out of the area continue to be imposed by Israel, plans are currently being pursued to also carve a 2.5-mile-long trench along Gaza's border with Egypt to widen Israel's so-called "buffer zone" along the border. Israeli officials are now estimating that such a plan, depending on the width of the trench, will entail the demolition of another 200 to 3,000 homes in Gaza, specifically in the Rafah area. Rafah has already been devastated by the Israeli occupying forces. Since September 2000, thousands of homes have been destroyed and more than 17,000 people have been dispossessed and rendered homeless. Such actions are not only grave violations of international law but are also totally inconsistent with Israel's alleged intentions for "unilateral disengagement" from the Gaza Strip. Clearly, such an illegal measure as that being planned would serve only to further enhance Israeli control over the area and would greatly exacerbate the humanitarian hardships already being endured by the Palestinian civilian population in Rafah.

It is imperative to reiterate that all such Israeli policies and practices of confiscation and destruction throughout the Occupied Palestinian Territory, including East Jerusalem, are a violation of international law, including humanitarian law and human rights law. The Fourth Geneva Convention is absolutely clear with regard to the prohibition of such actions. Indeed, this wanton destruction of Palestinian property by Israel, the occupying Power, constitutes a grave breach of the Convention as well as a violation of relevant provisions of international human rights law.

In addition to these serious provocations, the Israeli occupying forces also continue to carry out raids and attacks in the Occupied Palestinian Territory. Today, a three-year-old Palestinian girl, Rahma Ibrahim Abu-Shammas, was killed by the occupying forces in Deir al-Balah, and three Palestinian men were shot dead in their car by undercover Israeli soldiers in Qalqilya. Regrettably, despite developments regarding a return to dialogue between the two sides and serious efforts to calm the

situation on the ground, nearly every day of the past week has witnessed the killing of Palestinian civilians, including five children, by the occupying forces.

The dangers of such ongoing violations by Israel, the occupying Power, in the Occupied Palestinian Territory, including East Jerusalem, are extremely serious. The international community must exert all efforts to compel Israel to abide by all of its legal obligations under international law and to return to the peace process in good faith and refrain from any unlawful actions that would undermine a renewed dialogue between the two sides. Moreover, we reiterate the need for the international community to also undertake efforts to actively assist the two sides to immediately resume peace negotiations towards the implementation of the road map and the realization of the two-State solution, as recently stressed by the Security Council in its presidential statement of 13 January 2005 (S/PRST/2005/2).

The present letter is in follow-up to our previous 212 letters to you regarding the ongoing crisis in the Occupied Palestinian Territory, including East Jerusalem, since 28 September 2000. These letters, dated from 29 September 2000 (A/55/432-S/2000/921) to 18 January 2005 (A/ES-10/295-S/2005/38), constitute a basic record of the crimes committed by Israel, the occupying Power, against the Palestinian people since September 2000. For all of these war crimes, State terrorism and systematic human rights violations committed against the Palestinian people, Israel, the occupying Power, must be held accountable and the perpetrators must be brought to justice.

Accordingly, in follow-up to the above-mentioned letters, it is my profound regret to inform you that, since our last letter to you, at least 13 more Palestinians have been killed by the Israeli occupying forces, raising the total number of martyrs killed since September 2000 to 3,621. (The names of the martyrs that have been identified are listed in the annex to the present letter.)

I would be grateful if you would arrange to have the text of the present letter and its annex distributed as a document of the tenth emergency special session of the General Assembly, under agenda item 5, and of the Security Council.

(*Signed*) Somaia Barghouti
Chargé d'affaires a.i.

Annex to the identical letters dated 26 January 2005 from the Chargé d'affaires a.i. of the Permanent Observer Mission of Palestine to the United Nations addressed to the Secretary-General and the President of the Security Council

Names of martyrs killed by the Israeli occupying forces in the Occupied Palestinian Territory, including East Jerusalem* (Wednesday, 19 January, to Wednesday, 26 January 2005)

Wednesday, 19 January 2005

1. Shadi Waleed Mohammed Abed
2. Hassan Bedwane

Thursday, 20 January 2005

1. Salaheddine Ekab Abu Mohsen (15 years old)
2. Salah Abdelfattah Abu Eleysh (13 years old)

Friday, 21 January 2005

1. Mohammed Hosni Abu Al-Rab (15 years old) (died from wounds sustained on 29 December 2004)

Sunday, 23 January 2005

1. Foteyuldine Mohamad Al-Khouli

Monday, 24 January 2005

1. Yasser Mohareb Al-Jabareen (died from wounds sustained on 28 December 2004)
2. Ismael Mohamad El-Issawe (16 years old)

Wednesday, 26 January 2005

1. Rahma Ibrahim Abu-Shammas (3 years old)
2. Mustafa Khader Bsharat
3. Maher Harb Abu Sneina
4. Ibrahim Shala'a
5. Yahiya Nazzal

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* The total number of Palestinian martyrs killed by the Israeli occupying forces since 28 September 2000 is 3,621.

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Letter dated 25 January 2005 from the Permanent Representative of Serbia and Montenegro to the United Nations addressed to the President of the Security Council

I have the honour to transmit herewith a copy of the letter that Svetozar Marović, President of the State Union of Serbia and Montenegro, addressed to the Secretary-General (see annex).

I should be grateful if you would circulate the present letter and its annex as a document of the Security Council.

(*Signed*) Nebojša **Kaludjerović**
Permanent Representative

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Annex to the letter dated 25 January 2005 from the Permanent Representative of Serbia and Montenegro to the United Nations addressed to the President of the Security Council

21 January 2005

I am writing to inform you of the conclusions of the Government of Serbia concerning the difficult situation in Kosovo and Metohija, administered by the United Nations under Security Council resolution 1244 (1999).

In that regard, I would like to point out the fact that for over a month now, under very harsh winter conditions, several Serbian villages have been deprived of power supply, bringing into question the very physical survival of several hundred men, women and children. The Serb population is at stake, whose human rights and basic security have already been seriously threatened, especially after the outbreak of ethnically motivated violence in March 2004.

After the President and the Prime Minister of the Republic of Serbia had on a number of occasions pointed out the gravity of the situation to your Special Representative, on 17 January 2005 they appealed on him once again to intercede so that the power would be restored, thus protecting human lives. The Serbian authorities proposed that the problem be resolved in negotiations which would start as soon as possible, whereby the power would be restored immediately in order to prevent further suffering of the population, and your Special Representative, Søren Jessen-Petersen, promised to do all within his powers the very next day. Unfortunately, despite the very low temperatures the situation remained the same and no information was received in that respect, while the lives of the residents of Lipljan, Batuse and Priluzje, especially of the elderly and children, are still severely at risk.

I myself spoke to Mr. Jessen-Petersen on the phone yesterday and was given assurances that he would take all necessary measures to solve the problem as soon as possible, which would, we both agreed, contribute to confidence-building and reducing insecurity among the non-Albanian population in Kosovo and Metohija.

You are aware that two thirds of the Serbian population has been expelled from Kosovo and Metohija and that to date they have not been enabled to return to their homes. Depriving the remaining Serb population of power at the height of winter further discourages returns and brings additional pressure on the Serbs to leave Kosovo and Metohija.

What I would like to emphasize in particular is that I was informed by the Government of Serbia that it stands ready to do whatever is necessary, in terms of supply of power, technical services or financial support, as soon as approved by UNMIK or persons authorized by you.

In view of the fact that by assuming the mandate for Kosovo and Metohija the United Nations has undertaken, above all else, to protect and make easier the lives of its citizens, I am certain that you will use all your powers and intercede with your representatives so that this dramatically serious problem may be resolved.

I hope that you will understand the urgency of this appeal.

(*Signed*) Svetozar **Marović**

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Security Council

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Draft resolution

The Security Council,

Recalling all its relevant resolutions, in particular resolution 1554 of 29 July 2004 (S/RES/1554),

Welcoming the report of the Secretary-General of 17 January 2005,

Recalling the conclusions of the Lisbon (S/1997/57, annex) and Istanbul summits of the Organization for Security and Cooperation in Europe (OSCE) regarding the situation in Abkhazia, Georgia,

Recalling the relevant principles contained in the Convention on the Safety of United Nations and Associated Personnel adopted on 9 December 1994,

Deploring that the perpetrators of the shooting down of a helicopter of the United Nations Observer Mission in Georgia (UNOMIG) on 8 October 2001, which resulted in the death of nine people on board, have still not been identified,

Stressing that the continued lack of progress on key issues of a comprehensive settlement of the conflict in Abkhazia, Georgia, is unacceptable,

Welcoming, however, the positive momentum given to the United Nations-led peace process by regular high level meetings of the Group of Friends in Geneva and the Georgian-Russian summit meetings,

Welcoming the important contributions made by UNOMIG and the Collective Peacekeeping Forces of the Commonwealth of Independent States (CIS peacekeeping force) in stabilizing the situation in the zone of conflict, and *stressing* its attachment to the close cooperation existing between them in the performance of their respective mandates,

1. *Reaffirms* the commitment of all Member States to the sovereignty, independence and territorial integrity of Georgia within its internationally recognized borders, and the necessity to define the status of Abkhazia within the State of Georgia in strict accordance with these principles;

2. *Commends and strongly supports* the sustained efforts of the Secretary-General and his Special Representative, with the assistance of the Russian Federation in its capacity as facilitator as well as of the Group of Friends of the Secretary-General and of the OSCE, to promote the stabilization of the situation and the achievement of a comprehensive political settlement, which must include a settlement of the political status of Abkhazia within the State of Georgia;

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3. *Reiterates* its strong support for the document on "Basic Principles for the Distribution of Competences between Tbilisi and Sukhumi" and for its letter of transmittal, finalized by, and with the full support of, all members of the Group of Friends;

4. *Deeply regrets* the continued refusal of the Abkhaz side to agree to a discussion on the substance of this document, again *strongly urges* the Abkhaz side to receive the document and its transmittal letter, *urges* both parties thereafter to give them full and open consideration, and to engage in constructive negotiations on their substance, and *urges* those having influence with the parties to promote this outcome;

5. *Regrets also* the lack of progress on the initiation of political status negotiations, and *recalls*, once again, that the purpose of these documents is to facilitate meaningful negotiations between the parties, under the leadership of the United Nations, on the status of Abkhazia within the State of Georgia, and is not an attempt to impose or dictate any specific solution to the parties;

6. *Notes* its position on Abkhaz elections as expressed in resolution 1255 of 30 July 1999 (S/RES/1255);

7. *Calls on* both sides to participate in constructive negotiations towards a political settlement of the conflict and to spare no efforts to overcome their ongoing mutual mistrust and *underlines* that the process of negotiation leading to a lasting political settlement acceptable to both sides will require concessions from both sides;

8. *Welcomes* the commitment by the Georgian side to a peaceful resolution of the conflict and *calls* on both parties further to publicly dissociate themselves from all militant rhetoric and demonstrations of support for military options;

9. *Reminds* all concerned to refrain from any action that might impede the peace process;

10. *Welcomes* the convening of regular meetings of senior representatives of the Group of Friends and the United Nations in Geneva and encourages both sides to participate actively in the next meeting;

11. *Urges* the parties to participate in a more active, regular and structured manner in the task forces established in the first Geneva meeting (to address issues in the priority areas of economic cooperation, the return of internally displaced persons and refugees, and political and security matters) and complemented by the working groups established in Sochi in March 2003, and *reiterates* that results-oriented activities in these three priority areas remain key to building common ground between the Georgian and Abkhaz sides and ultimately for concluding meaningful negotiations on a comprehensive political settlement based on the paper entitled "Basic Principles for the Distribution of Competences between Tbilisi and Sukhumi" and its transmittal letter;

12. *Encourages* the sides in that respect to continue their discussion on security guarantees with the participation of the Group of Friends;

13. *Calls again* on the parties to take concrete steps to revitalize the peace process in all its major aspects, including their work in the Coordinating Council and its relevant mechanisms, to build on the results of the Yalta meeting on

confidence-building measures in March 2001 (S/2001/242) and to implement the proposals agreed on that occasion in a purposeful and cooperative manner, with a view to holding a fourth conference on confidence-building measures, and welcomes the intention expressed by Germany to host such a conference pending progress in the conflict resolution process;

14. *Notes* that contacts at the level of civil society can reinforce mutual confidence and *calls* on both sides to facilitate such contacts;

15. *Stresses* the urgent need for progress on the question of the refugees and internally displaced persons, *calls on* both sides to display a genuine commitment to make returns the focus of special attention and to undertake this task in close coordination with UNOMIG and consultations with UNHCR and the Group of Friends;

16. *Calls* for the rapid finalization and signature of the letter of intent on returns proposed by the Special Representative of the Secretary-General and *welcomes* the meetings with the participation of the SRSG and UNHCR of the Sochi working group on refugees and internally displaced persons;

17. *Reaffirms* the unacceptability of the demographic changes resulting from the conflict, *reaffirms also* the inalienable right of all refugees and internally displaced persons affected by the conflict to return to their homes in secure and dignified conditions, in accordance with international law and as set out in the Quadripartite Agreement of 4 April 1994 (S/1994/397, annex II) and the Yalta Declaration;

18. *Recalls* that the Abkhaz side bears a particular responsibility to protect the returnees and to facilitate the return of the remaining displaced population;

19. *Welcomes* the continuing activities of UNDP in the Gali, Ochamchira and Tkvarcheli districts and the opening of offices by UNDP in Sukhumi and Gali;

20. *Urges* the parties once again to implement the recommendations of the Joint Assessment Mission to the Gali sector (November 2000), *regrets* that there has been no progress to that effect despite the positive consideration by the parties given to those recommendations in the first Geneva meeting and *calls again* upon the Abkhaz side to agree to the opening as soon as possible of the Gali branch of the human rights office in Sukhumi and to provide security conditions for its unhindered functioning;

21. *Reiterates its concern* that despite the start of the deployment of a civilian police component as part of UNOMIG, as endorsed in resolution 1494 (2003) and agreed by the parties, the deployment of the remaining officers in the Gali sector is still outstanding and *calls on* the Abkhaz side to allow for a swift deployment of the police component in that region;

22. *Calls* in particular on the Abkhaz side to improve law enforcement involving the local population and to address the lack of instruction in their mother tongue for the ethnic Georgian population;

23. *Welcomes* the measures taken by the Georgian side to put an end to the activities of illegal armed groups and *encourages* the maintenance of these efforts;

24. *Condemns* any violations of the provisions of the Moscow Agreement of 14 May 1994 on a Ceasefire and Separation of Forces (S/1994/583, annex I);

25. *Welcomes* the continuing relative calm in the Kodori valley, condemns the killings and abductions of civilians in the Gali district;

26. *Urges* the parties to abide by the provisions of the protocols on security issues in the Gali district signed on 19 January 2004 and 8 October 2003, to continue their regular meetings and to cooperate more closely with each other to improve security in the Gali sector, and takes note of the resumption of Abkhaz participation in the Quadripartite meetings and the Joint Fact Finding Group;

27. *Reiterates its call* on the Georgian side to provide comprehensive security guarantees to allow for independent and regular monitoring of the situation in the upper Kodori valley by joint UNOMIG and CIS peacekeeping force patrols;

28. *Underlines* that it is the primary responsibility of both sides to provide appropriate security and to ensure the freedom of movement of UNOMIG, the CIS peacekeeping force and other international personnel;

29. *Strongly condemns* in that respect the repeated abductions of personnel of those missions in the past, *deeply deplores* that none of the perpetrators have ever been identified or brought to justice, *reiterates* that it is the responsibility of the parties to end this impunity and *calls* upon them to take action;

30. *Also calls upon* the parties, *once again*, to take all necessary steps, to identify those responsible for the shooting down of a UNOMIG helicopter on 8 October 2001, to bring them to justice, and to inform the SRSG of the steps taken in particular in the criminal investigation;

31. *Decides* to extend the mandate of UNOMIG for a new period terminating on 31 July 2005; subject to a review as appropriate of its mandate by the Council in the event of changes in the mandate of the CIS peacekeeping force;

32. *Requests* the Secretary-General to continue to keep the Council regularly informed and to report three months from the date of the adoption of this resolution on the situation in Abkhazia, Georgia;

33. *Decides* to remain actively seized of the matter.

United Nations S/2005/49

Security Council

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27 January 2005

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Report of the Secretary-General on the situation concerning Western Sahara

I. Introduction

1. The present report is submitted pursuant to Security Council resolution 1570 (2004) of 28 October 2004, by which the Council extended the mandate of the United Nations Mission for the Referendum in Western Sahara (MINURSO) until 30 April 2005. In the same resolution, the Council requested me to submit an interim report, within three months of the adoption of the resolution, on the evolution of the situation and on the Mission's size and concept of operation, with further detail on the options discussed in my report dated 20 October 2004 (S/2004/827) on the possible reduction of MINURSO staff, including civilian and administrative personnel. The present report covers developments since the issuance of my previous report.

II. Political situation

2. I regret to report that the lack of agreement remains, as described in my previous report, on how to overcome the deadlock between the parties and enable the people of Western Sahara to exercise their right to self-determination.

III. Activities on the ground

A. Activities of the military component

3. As at the beginning of January 2005, the military component of MINURSO stood at 203 military observers, 7 administrative clerks and a medical unit composed of 20 personnel, against the authorized strength of 230 (see annex). Under the command of Major General György Száraz (Hungary), MINURSO continued to monitor the ceasefire in Western Sahara, which has been in effect since 6 September 1991. The Mission's area of responsibility has remained calm, and there have been no indications on the ground that either side intends to resume hostilities in the near future.

4. During the reporting period, MINURSO performed 1,046 ground patrols and 89 air patrols to visit and inspect units larger than company size of the Royal

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Moroccan Army and the military forces of the Frente Polisario, in accordance with military agreement No. 1 between the Royal Moroccan Army and MINURSO on the one hand and the Frente Polisario military forces and MINURSO on the other. Both the Royal Moroccan Army and the Frente Polisario military forces continued to conduct routine maintenance and training activities.

5. As has been reported previously, the Frente Polisario continued to insist on limitations on the Mission's freedom of movement by road and by air in areas of the Territory east of the berm in a manner that is not consistent with military agreement No. 1. Although the limitations do not significantly affect the Mission's ability to monitor the situation in those areas, their removal would further facilitate the Mission's ground- and air-patrolling activities. MINURSO recently reiterated its request to the Frente Polisario that those restrictions be lifted.

6. During the reporting period, MINURSO observed the presence of a Frente Polisario unit, which is smaller than company size, at the "Spanish fort", a position located within the restricted area east of the berm. Although the Frente Polisario explained post facto that the unit had been deployed to deter the movement of illegal migrants as well as smugglers, MINURSO has informed the Frente Polisario that the stationing of the unit at that location, if maintained, would be in violation of military agreement No. 1, which, inter alia, prohibits tactical reinforcements and the redeployment or movement of troops in the restricted areas.

7. Also during the reporting period, it came to the attention of MINURSO that the Royal Moroccan Army was taking steps to enhance its radar monitoring capability along the berm, stressing the need to improve its ability to track the movements of illegal migrants and smugglers in the Territory. MINURSO has drawn the Moroccan authorities' attention to the fact that tactical reinforcement of equipment is prohibited in the restricted areas, that is, within 30 kilometres of the berm, and would constitute a violation of the agreement if continued.

8. While the developments described in paragraphs 6 and 7 above appear to constitute prima facie violations of military agreement No. 1, it should be noted that the two parties have informed MINURSO that they are motivated by the same concern, that is, the growing phenomena of illegal migration and smuggling. In view of this apparent shared interest, MINURSO is in contact with the parties with a view to ensuring that their actions to stem the flow of migrants and the activities of smugglers do not become a potential source of friction between them, but instead turn into a possible area for cooperation that could help to enhance stability in the MINURSO area of operations.

9. MINURSO continues to cooperate with the parties on the marking and disposal of mines and unexploded ordnance. During the reporting period, MINURSO discovered and marked 20 pieces of unexploded ordnance, and one disposal operation was monitored.

10. As stated in my previous reports, MINURSO, in cooperation with the Geneva International Centre for Humanitarian Demining, has established, in the Mission, an information management system for mine action. A delegation from the Centre is scheduled to visit MINURSO in March 2005 to train the mission personnel who will manage the system. MINURSO intends to establish, within existing resources, a joint military-civilian section to coordinate and manage the information management system.

B. Prisoners of war, other detainees and persons not accounted for

11. The Frente Polisario announced on 22 January 2005 the release of two Moroccan prisoners of war who were seriously ill and who were subsequently repatriated to Morocco under the auspices of the International Committee of the Red Cross (ICRC). The Frente Polisario continues to hold 410 Moroccan prisoners of war, some of whom have been in captivity for many years. ICRC continues to pursue the question of persons still unaccounted for in relation to the conflict.

C. Illegal migration

12. Reports of operations to smuggle migrants through Western Sahara have increased significantly in the past two years. In addition to the contacts mentioned in paragraph 8, the Mission has been requested by the parties to increase patrolling in areas known to be used by migrants and smuggling groups. The parties are aware of the constraints under which MINURSO operates because of the limitations imposed by its mandate and the lack of resources for this activity.

13. On 3 November, the International Organization for Migration confirmed that the repatriation of the 23 migrants found near Mijek (see S/2004/827, paras. 15 and 16) had been successfully concluded and that the migrants had returned to their homes in Bangladesh and India. With regard to the 21 migrants found near Tifariti, the Frente Polisario has informed MINURSO that on 9 January, 20 Pakistani migrants were released at their request and taken to the border with Mauritania. The remaining migrant, a Bangladeshi, continues to be sheltered by the Frente Polisario in Tifariti, and arrangements for his repatriation are under consideration.

14. Although the experience with the first repatriation operation was positive, the fact remains that the capacity of MINURSO to assist in this area is limited. Nevertheless, the growing phenomenon of migrants transiting through the Mission's area of operations may necessitate that humanitarian agencies, in cooperation with MINURSO and the parties, start developing a coordinated approach to address the possible appearance of such migrants in future. In the meantime, MINURSO will endeavour to lend logistical support for repatriation operations, on a humanitarian basis and subject to resource availability, as long as it is not detrimental to the discharge of its core mandate.

D. Western Sahara refugees

15. The World Food Programme (WFP) is carrying out a relief and recovery programme for Western Saharan refugees, budgeted at approximately $40 million over a two-year period, from September 2004 to August 2006. WFP is also currently increasing its monitoring and logistical capacity by recruiting more staff members and building an additional storage facility in Tindouf. The European Union has granted an amount of €5.5 million to WFP for this programme, however serious food shortages may be faced as early as May 2005 unless additional resources are provided.

E. Confidence-building measures

16. It will be recalled that the Office of the United Nations High Commissioner for Refugees (UNHCR) and my Special Representative for Western Sahara have been promoting with the parties the implementation of confidence-building measures, which aim to facilitate person-to-person contacts between the refugees in the Tindouf area refugee camps and their relatives in the Territory.

17. I am pleased to report that the parties, as well as Algeria as the country of asylum, have made a positive evaluation of the first phase of the confidence-building measures programme, which was implemented from March to August 2004. In view of the positive outcome of the first phase of this important programme, the parties expressed their support for continuing the exchange of family visits programme and the telephone service under the existing arrangements. Accordingly, UNHCR and MINURSO resumed the project in November and carried it out until the end of 2004. During that period, 270 persons participated in the programme, 137 (32 families) from the refugee camps in the Tindouf area in Algeria and 133 (41 families) from the cities of Laayoune, Dakhla and Smara in the Territory. In total, 1,476 persons, comprising 754 (473 families) from the refugee camps and 722 (237 families) from the Territory, have benefited from the programme since its start in March 2004.

18. In the meantime, in consultation with my Special Representative, UNHCR submitted to the parties, as well as Algeria, a revised draft plan of action for the implementation of the second phase of the confidence-building measures programme in early December 2004. The parties, as well as Algeria, have expressed their agreement in principle to the draft plan of action and have provided their written comments on it. UNHCR and my Special Representative have prepared a further revision to the plan that addresses their comments and have submitted it to all those concerned for final approval. At the same time, UNHCR and MINURSO have agreed to a series of joint efforts aimed at implementing the programme, which is expected to resume in March 2005.

19. It will be recalled that the Mission's support for the exchange of family visits programme includes the deployment of civilian police officers who escort the participants in the programme on United Nations flights to and from the Territory and the Tindouf area refugee camps and monitor and facilitate the airport procedures at the arrival and departure points. MINURSO deployed two additional civilian police officers in December for that purpose and two more are expected to be deployed, bringing the total to eight, by the time the exchange of family visits programme resumes later this year.

20. With regard to the financing of the second phase of the confidence-building measures programme, UNHCR and MINURSO have scheduled a donors' conference, to be held in Geneva on 3 February 2005, in response to Security Council resolution 1570 (2004), in which the Council called upon Member States to consider making voluntary contributions to fund the confidence-building measures, in particular the exchange of family visits. UNHCR and MINURSO are jointly preparing a budget proposal for submission at the conference under which UNHCR would implement activities connected to its core mandate while MINURSO would provide supplementary management services and some logistical support. While the total budgetary requirement needed to implement the second phase of the

confidence-building measures programme has been preliminarily estimated at $3.4 million, the level of the respective contributions of MINURSO and UNHCR to the programme will ultimately depend on the extent of the donors' generosity. At this stage, the cost of the activities that would be carried out by MINURSO under the second phase of the programme is projected at approximately $1.2 million, which I hope will be covered entirely through voluntary contributions.

F. African Union

21. During the reporting period, the observer delegation of the African Union to MINURSO, led by its Senior Representative, Ambassador Yilma Tadesse (Ethiopia), continued to provide valuable support and cooperation to the Mission. I wish to reiterate my sincere appreciation for the contribution of the African Union.

IV. Mission size and concept of operation

22. In my previous report, I described the Mission's military concept of operations and the tasks derived from it (S/2004/827, paras. 32-36). That description and my evaluation of the existing needs remain unchanged. In the subsequent paragraphs, I presented two options with regard to the strength of the MINURSO military component for the Council's consideration. The first option, which I continue to support, was to maintain the present size of the military component (ibid., para. 37). While emphasizing my view that no reduction in the military component should come at the expense of the capacity and credibility of the United Nations to discharge its political and operational role, I also submitted a second option — to reduce the current military strength of the Mission by 16 per cent — in the event that the Council decided to reduce the size of MINURSO (ibid., paras. 38-40). I was pleased that the Council chose not to select that option. Indeed, my most recent assessment of the situation on the ground supports this choice.

23. While the Mission's ceasefire-monitoring activities are focused primarily on verifying the non-entry of the parties' military personnel into the five-kilometre-wide buffer strip that runs along the eastern side of the 1,800-kilometre berm, the military observers monitor and conduct observation activities throughout a large part of the Territory, an area of some 266,000 square kilometres. In particular, they play an essential role in confirming the status of the parties' forces throughout the Territory, verifying compliance and monitoring military exercises conducted by the parties and the destruction of mines and unexploded ordnance, in addition to demonstrating the overall presence of the United Nations.

24. As I mentioned in my previous report, each of the nine military observer team sites established by MINURSO, which consist of 14 to 19 officers each and are spread out on both sides of the berm, conduct two to three ground reconnaissance patrols a day, which may last anywhere from three to eight hours depending on the distance covered and the ruggedness of the desert terrain. No fewer than four military observers in two vehicles participate in each patrol. Although the overall strength of each team site is supposed to be as described above, for various reasons, including rotations, training and leave, their actual number usually fluctuates between 10 and 14 officers. As a result, whenever two patrols are under way, team sites are manned by only a few military observers each, and therefore are close to

the minimum number required to discharge their basic responsibilities. In addition, a small number of military observers conduct air reconnaissance operations and perform staff duties. Furthermore, both Morocco and the Frente Polisario consider that the Mission needs to be strengthened in order to increase its capacity to discharge its mandate and to deal with the emerging challenges on the ground. It is for these reasons that I continue to be convinced that any reduction in the size of the military component of MINURSO would have a negative impact on the effective implementation of the Mission's mandate.

V. Observations and recommendations

25. I regret to inform the Council that, as reflected in my previous report, there continues to be a lack of agreement between the parties on how to overcome the existing deadlock between them regarding the Peace Plan for Self-Determination of the People of Western Sahara. I remain prepared to help the parties find a solution to the current impasse and to achieve progress towards a just, lasting and mutually acceptable political solution.

26. Notwithstanding the recent actions of the parties described in paragraphs 6 and 7 above, which, if continued, would be in violation of military agreement No. 1, the ceasefire that came into effect on 6 September 1991 continues to be respected by both parties and monitored by MINURSO to the extent of its ability. However, incidents occurring in the MINURSO area of operations, while still circumscribed and isolated, should not be underestimated. In this regard, MINURSO is increasing its efforts to address potential sources of friction between the parties, and I am pleased to report that the parties have agreed in principle to inform MINURSO in detail of their proposed actions to address the increase in illegal migration and smuggling through the Territory. They have also indicated their willingness to cooperate with the Mission to diminish any possible friction that might result from actions taken by the parties in respect of these growing phenomena.

27. I remain concerned, however, that the continuation of the prolonged political deadlock, if not reversed, might lead to a deterioration of the situation in Western Sahara. It should be noted in this regard that the parties have reiterated to MINURSO their strong desire that the Mission's strength be increased and that its capacity to patrol and react to incidents be reinforced. I will continue to examine this matter in the light of the situation prevailing on the ground.

28. MINURSO has undertaken a comprehensive review of the structure of the administrative and other civilian components of the Mission. I expect to be in a position to report on the results of that review in my next report to the Council.

29. As the Security Council is aware, the Mission's overall activities on the ground have recently increased as a result of the confidence-building measures programme referred to in paragraphs 16 to 20 above, which the Council has encouraged. However, the continuation of this important humanitarian programme will require generous voluntary contributions from the donor community. In this regard, I wish to join UNHCR in once again urging donor countries to provide the funding necessary to continue this vital programme, which, as was stated in previous reports, requires a great deal of logistical, monitoring and administrative effort.

30. In the meantime, I once again appeal to the Frente Polisario to release all Moroccan prisoners of war whom it continues to hold, in compliance with international humanitarian law and numerous Security Council resolutions and presidential statements, and appeals to both Morocco and the Frente Polisario to continue to cooperate with ICRC in accounting for those who are still missing owing to the conflict.

31. In conclusion, I would like to express my sincere appreciation to my Special Representative and all the men and women of MINURSO, who continue to work tirelessly in the discharge of the mandate entrusted to the Mission by the Security Council.

Annex

United Nations Mission for the Referendum in Western Sahara: contributions as at 5 January 2005

Country	*Military observers*[a]	*Troops*[a]	*Civilian police*[b]	*Total*
Argentina	1	–	–	1
Austria	2	–	–	2
Bangladesh	8	–	–	8
China	19	–	–	19
Croatia	2	–	–	2
Egypt	19	–	4	23
El Salvador	5	–	2	7
France	25			25
Ghana	10	7	–	17
Greece	1	–	–	1
Guinea	5	–	–	5
Honduras	12	–	–	12
Hungary	7	–	–	7
Ireland	4	–	–	4
Italy	5	–	–	5
Kenya	10	–	–	10
Malaysia	14	–	–	14
Mongolia	3	–	–	3
Nigeria	8	–	–	8
Pakistan	7	–	–	7
Poland	1	–	–	1
Republic of Korea	–	20	–	20
Russian Federation	25	–	–	25
Sri Lanka	2	–	–	2
Uruguay	8	–	–	8
Total	**203**	**27**	**6**	**236**

[a] Authorized strength is 230.
[b] Authorized strength is 81.

Map No. 3691 Rev. 46 UNITED NATIONS
January 2005

Department of Peacekeeping Operations
Cartographic Section

United Nations A/59/682–S/2005/50

General Assembly
Security Council

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General Assembly
Fifty-ninth session
Agenda item 15 (c)
Elections to fill vacancies in principal organs: election of a member of the International Court of Justice

Security Council
Sixtieth year

Submission of a nomination by national groups

Note by the Secretary-General

1. In a letter dated 4 November 2004, addressed to the States parties to the Statute of the International Court of Justice, the Secretary-General drew attention to the fact that a seat on the Court had become vacant as a result of the resignation, with effect from 11 February 2005, of Judge Gilbert Guillaume (France). In the same letter, the Secretary-General, in accordance with Article 14 of the Statute of the Court, issued the invitation provided for in Article 5, paragraph 1, of the Statute concerning the nomination of persons in a position to accept the duties of a member of the Court. He also requested them to submit any nominations by 17 January 2005 at the latest.

2. The Secretary-General has the honour to submit to the General Assembly and the Security Council, in accordance with Article 7 of the Statute of the Court, the name of the candidate nominated by the national groups (see annex).

3. The composition of the Court and the voting procedure to be followed by the General Assembly and the Security Council are set forth in a memorandum from the Secretary-General issued as document A/59/683-S/2005/51. The curriculum vitae of the candidate is contained in document A/59/684-S/2005/52.

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Annex

Submission of a nomination by national groups

(17 January 2005)

Name and nationality	*National group submitting the nomination*
Ronny Abraham (France)	Australia Belgium Canada China France Hungary Morocco Netherlands New Zealand Norway Russian Federation Slovakia Spain United Kingdom of Great Britain and Northern Ireland United States of America

United Nations A/59/683–S/2005/51

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Memorandum by the Secretary-General

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I. Introduction

1. By a letter dated 11 October 2004, a certified copy of which was forwarded to the attention of the Secretary-General under the cover of a letter of the same date from the President of the International Court of Justice, Judge and former President Gilbert Guillaume informed the President of the Court, pursuant to article 13, paragraph 4, of the Statute of the Court, of his resignation as a member of the Court effective 11 February 2005. A vacancy in the Court will therefore occur on 11 February 2005.

2. Judge and former President Guillaume was elected as a member of the Court as from 14 September 1987 and was re-elected as from 6 February 1991 and from 6 February 2000. His current term of office would have expired on 5 February 2009. According to article 14 of the Statute of the Court, the vacancy shall be filled by the same method as that laid down for the regular election and the Secretary-General shall, within one month of the occurrence of the vacancy, issue the invitations for nominations provided for in article 5 of the Statute. According to article 5, paragraph 1, of the Statute, the invitations for nomination have to be made at least three months before the date of the election, which is, pursuant to article 14, to be fixed by the Security Council.

3. By a note dated 21 October 2004 addressed to the Security Council (S/2004/830), the Secretary-General referred to Judge Guillaume's letter of resignation and drew its attention to article 14 of the Statute of the Court regarding fixing the date of the election to fill the vacancy in the International Court of Justice. Pursuant to article 14 of the Statute of the Court, the Security Council decided, by resolution 1571 (2004) of 4 November 2004, that the election to fill the vacancy should take place on 15 February 2005 at a meeting of the Security Council and at a meeting of the General Assembly at its fifty-ninth session.

4. By a note dated 21 October 2004 (A/59/237), the Secretary-General informed the General Assembly of the resignation of Judge Guillaume. The Secretary-General further pointed out that since the agenda of the fifty-ninth session of the General Assembly (A/59/251) did not contain a sub-item concerning the election of members of the International Court of Justice, he deemed it necessary to include in the agenda of the fifty-ninth session of the General Assembly, pursuant to rule 15 of the rules of procedure of the General Assembly, under item 15, entitled "Elections to fill vacancies in principal organs", a sub-item entitled "Election of a member of the International Court of Justice".

5. Pursuant to article 5, paragraph 1, of the Statute of the Court, the Secretary-General, in a communication dated 4 November 2004, invited the national groups of States parties to the Statute of the Court to undertake the nomination of persons in a position to accept the duties of a member of the Court. The Secretary-General further requested that nominations should be received no later than 17 January 2005. The nomination received by that date and the curriculum vitae of the candidate are transmitted in separate documents of the General Assembly and the Security Council (A/59/682-S/2005/50 and A/59/604-S/2005/53 respectively). The name of the candidate will appear on the ballot papers to be distributed during the election.

6. Article 15 of the Statute of the Court provides that a member of the Court elected to replace a member whose term of office has not expired shall hold office

for the remainder of the predecessor's term. The member elected to replace Judge Guillaume will thus serve until 5 February 2009.

7. The current composition of the Court and the procedure in the General Assembly and the Security Council for filling the vacancy are described below.

II. Composition of the International Court of Justice

8. The present composition of the International Court of Justice is as follows:

President:

Shi Jiuyong (China)***

Vice-President:

Raymond Ranjeva (Madagascar)**

Judges:

Gilbert Guillaume (France)**

Abdul G. Koroma (Sierra Leone)***

Vladlen S. Vereshchetin (Russian Federation)*

Rosalyn Higgins (United Kingdom of Great Britain and Northern Ireland)**

Gonzalo Parra-Aranguren (Bolivarian Republic of Venezuela)**

Pieter H. Kooijmans (Netherlands)*

Francisco Rezek (Brazil)*

Awn Shawkat Al-Khasawneh (Jordan)**

Thomas Buergenthal (United States of America)*

Nabil Elaraby (Egypt)*

Hisashi Owada (Japan)***

Bruno Simma (Germany)***

Peter Tomka (Slovakia)***

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* Term of office expires on 5 February 2006.

** Term of office expires on 5 February 2009.

*** Term of office expires on 5 February 2012.

III. Procedure in the General Assembly and in the Security Council

9. The election will take place in accordance with the following:

(a) The Statute of the Court, in particular articles 2 to 4 and 7 to 12 and 14;

(b) Rules 150 and 151 of the rules of procedure of the General Assembly;

(c) Rules 40 and 61 of the provisional rules of procedure of the Security Council.

10. On the date of the election, the General Assembly and the Security Council will proceed, independently of one another, to elect one member of the Court to fill the vacancy (article 8 of the Statute).

11. According to article 2 of the Statute, judges are to be elected, regardless of their nationality, from among persons of high moral character, who possess the qualifications required in their respective countries for appointment to the highest judicial offices, or are jurisconsults of recognized competence in international law. Article 9 requires electors to bear in mind not only that the person to be elected should individually possess the qualifications required, but also that, in the body as a whole, the representation of the main forms of civilization and of the principal legal systems of the world should be assured.

12. The candidate who obtains an absolute majority of votes both in the General Assembly and in the Security Council will be considered as elected (article 10, paragraph 1, of the Statute).

13. The consistent practice of the United Nations has been to interpret the words "absolute majority" as meaning a majority of all electors whether or not they vote or are allowed to vote. The electors in the General Assembly are all 191 Member States. Accordingly, on the date of this memorandum, 96 votes constitutes an absolute majority in the Assembly for the purpose of the present Court election.

14. In the Security Council, eight votes constitutes an absolute majority and no distinction is made between permanent and non-permanent members of the Council (article 10, paragraph 2, of the Statute).

15. Only those candidates whose names appear on the ballot papers are eligible for election. The electors in the General Assembly and in the Security Council will indicate the candidate for whom they wish to vote by placing a cross against the name on the ballot paper. Each elector may vote for only one candidate.

16. At the 915th plenary meeting of the General Assembly, on 16 November 1960, a procedural discussion took place as to whether rule 94 (then rule 96) of the rules of procedure of the Assembly should be applied in elections to the International Court of Justice. That rule lays down a procedure for restricted ballots in the event that, after the first ballot, the requisite number of candidates have not obtained the required majority. The Assembly decided that the rule did not apply to elections to the Court and it proceeded to elect the requisite number of candidates by a series of unrestricted ballots. That decision has been followed consistently.

17. If, in the first ballot in either the General Assembly or the Security Council, no candidate receives an absolute majority, a second ballot will be held and balloting will continue in the same meeting until a candidate has obtained the required majority (rule 151 of the rules of procedure of the Assembly and rule 61 of the provisional rules of procedure of the Council).

18. Cases have arisen in the Security Council in which more than the required number of candidates have obtained an absolute majority on the same ballot. The practice followed by the Council has been to hold a new vote on all the candidates, and in such cases the President of the Council has made no notification to the

President of the General Assembly until only the required number of candidates, and no more, had obtained an absolute majority in the Council.

19. When a candidate has obtained the required majority in one of the organs, the President of that organ will notify the President of the other organ of the name of that candidate. Such notification is not communicated by the President of the second organ to the members until that organ has itself given a candidate the required majority of votes.

20. If, upon comparison of the name of the candidate so selected by the General Assembly and the Security Council, it is found that the result is different, the Assembly and the Council will proceed, again independently of one another, in a second meeting and, if necessary, a third meeting to elect one candidate by further ballots, the results again being compared after one candidate has obtained an absolute majority in each organ. If necessary, the above procedure will be repeated until the General Assembly and the Security Council have given an absolute majority of votes to the same candidate.

21. If, however, after the third meeting, the vacancy still remains unfilled, the special procedure set out in article 12 of the Statute of the Court may be resorted to at the request of either the General Assembly or the Security Council.

United Nations A/59/684–S/2005/52

General Assembly
Security Council

Distr.: General
27 January 2005
English
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General Assembly
Fifty-ninth session
Agenda item 15 (c)
Elections to fill vacancies in principal organs: election of a member of the International Court of Justice

Security Council
Sixtieth year

Election of a member of the International Court of Justice

Curriculum vitae of the candidate nominated by national groups

Note by the Secretary-General

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05-22185 (E) 020205 030205

I. Introduction

The Secretary-General has the honour to submit to the General Assembly and to the Security Council the curriculum vitae of the candidate nominated by the national groups for the election to fill a vacancy in the International Court of Justice caused by the resignation of Judge Gilbert Guillaume (France). The information on the candidate has been circulated in document A/59/682-S/2005/50. The composition of the Court and the voting procedures to be followed in the General Assembly and in the Security Council are contained in a memorandum by the Secretary-General issued as document A/59/683-S/2005/51.

II. Curriculum vitae of the candidate

Ronny Abraham (France)

[Original: French]

Born on 5 September 1951 in Alexandria, Egypt.

French nationality.

Diplomas and other qualifications

Diplôme d'études supérieures de droit public (Diploma in Advanced Studies in Public Law), University of Paris II, (1973).

Diploma of the Institut d'études politiques of Paris (1973).

Graduate of the Ecole nationale d'administration (1976-78).

Current position

Director of Legal Affairs of the Ministry of Foreign Affairs (since October 1998).

Previous official national positions

Administrative Tribunal Judge (1978-85 and 1987-88).

Assistant Director of the Office of Legal Affairs of the Ministry of Foreign Affairs (1986-1987).

Maître des requêtes (1988-2000), then Conseiller d'État (since 2000) at the Council of State.

Government Commissioner within the judicial system (1989-1998).

Academic positions

Professor, Institut d'études politiques of Paris (until 1998).

Associate Professor, University of Paris X-Nanterre (1997-2003).

Associate Professor, University of Paris II Panthéon-Assas (public international law, human rights) (since 2004).

International activities and experience

As head of the Office of Legal Affairs of the Ministry of Foreign Affairs since 1998, acted as legal adviser to the Government in the areas of general international public law, European Union law, international human rights law, Law of the Sea and laws on the Antarctic.

Since 1998 representative for France in many cases before international and European courts, as follows:

International Court of Justice

- Legality of Use of Force (Serbia and Montenegro v. France). Hearings on the request for the indication of provisional measures, 10-12 May 1999 and on preliminary objections, 19-23 April 2004;
- Certain Criminal Proceedings in France (Republic of the Congo v. France). Hearings on the request for the indication of provisional measures, 28 and 29 April 2003;
- Request for an advisory opinion on the legal consequences of the construction of a wall in the Occupied Palestinian Territory (written statement of the French Republic, 30 January 2004);

European Court of Human Rights;

Court of Justice of the European Communities;

International arbitral tribunals (Tribunal established by France and the United Nations Educational, Scientific and Cultural Organization (UNESCO) on the question of the tax situation of pensions paid to retired UNESCO staff members residing in France, award made on 14 January 2003; Tribunal established by the Kingdom of the Netherlands and the French Republic in the case concerning the interpretation and application of the Additional Protocol to the Convention concerning the Protection of the Rhine against Pollution by Chlorides, award made on 12 March 2004).

Member and Chairman of the Committee of Experts for the Improvement of Procedures for the Protection of Human Rights (member 1986-1998; Chairman 1987-2004).

Chairman of the Joint Consultative Committee of the Organisation for Economic Co-operation and Development (1994-1998).

Member of the French delegation to the General Assembly of the United Nations (1998-2004).

Chairman of the French delegation to the Sixth Committee of the General Assembly (1998-2004).

Chairman of the French delegation to the Assembly of States Parties to the Rome Statute of the International Criminal Court (2002, 2003, 2004).

Chairman of the French delegation in the Working Group on Jurisdictional Immunities of States and their Property.

Head of the French delegation to the Central Commission for the Navigation of the Rhine (since 1998), Chairman of the Commission (2002-2003).

Other activities

Member of the Board of the Société française pour le droit international.

Member of the European Group of Public Law.

Publications

Works

Droit international, droit communautaire et droit français, Hachette, 1989.

Articles, notes, communications and arguments

"Les magistrats des tribunaux administratifs et des cours administratives d'appel", *Revue française de droit administratif* (RFDA), 1988, March-April, No. 2.

"Compétence des juridictions internes pour interpréter un traité international", *Actualité juridique droit administratif*, September 1990, p. 621; *Revue générale de droit international public*, 1990, p. 882.

"L'applicabilité directe de la Convention européene des droits de l'homme devant la juridiction administrative", *Revue universelle des droits de l'homme*, 1991, September, vols. 7-9.

"Les incidences de la Convention européene des droits de l'homme sur le droit constitutionnel et administratif des États parties", *Revue universelle des droits de l'homme*, 1992, vols. 10-11.

Commentary on articles 25 and 46 of the European Convention on Human Rights; "La Convention européene des droits de l'homme", L. E. Pettiti, E. Decaux et P. H. Imbert, eds.

"La réforme du mécanisme de contrôle de la Convention européene des droits de l'homme; le Protocole no 11 à la Convention", *Annuaire français de droit international*, 1994, p. 619.

"Les principes généraux de la protection juridictionnelle administrative en Europe: l'influence des jurisprudences européennes", *Revue européenne de droit public*, vol. 9, no 3, Autumn 1997.

"La notion d'effet direct des traités internationaux devant le Conseil d'État", Recueil Dalloz, 1998, jurisprudence, p. 15.

"Les normes du droit communautaire et du droit international devant le juge administratif français", presented at the symposium of the Société française pour le droit international, held at Bordeaux, Éd. Pedone, Paris, 2000.

"Les procédures incidentes devant la Cour internationale de Justice", presented at a workshop of the School of Law of the University of Rennes I, Éd. Pedone, Paris, 2001.

"La France devant les juridictions européennes", *Pouvoirs*, 2001, No. 96.

"Le rôle du jurisconsulte au Ministère des affaires étrangères", presented at the symposium of the Société française pour le droit international held at Geneva, Éd. Pedone, Paris, 2004.

"Le principe du contradictoire devant les juridictions internationales", presented at the symposium organized by the University of Paris I, Éd. Pedone, 2004.

"Droit des immunités et exigences du procès équitable", presented at a symposium organized by the University of Paris XII, Éd. Pedone, Paris, 2004.

Numerous arguments submitted to the Council of State, published in, inter alia, the *Actualité juridique droit administratif*, the *Revue française de droit administratif*, the *Revue générale de droit international public* and the *Revue critique de droit international privé*.

United Nations S/2005/53

Security Council

Distr.: General
28 January 2005
English
Original: English and French

Denmark, France, Greece, Romania, United Kingdom of Great Britain and Northern Ireland and United States of America: draft resolution

The Security Council,

Recalling all its previous resolutions on Lebanon, including resolutions 425 (1978) and 426 (1978) of 19 March 1978 and 1553 (2004) of 29 July 2004 as well as the statements of its President on the situation in Lebanon, in particular the statement of 18 June 2000 (S/PRST/2000/21),

Recalling further the letter from its President to the Secretary-General of 18 May 2001 (S/2001/500),

Recalling also the Secretary-General's conclusion that, as of 16 June 2000, Israel had withdrawn its forces from Lebanon in accordance with resolution 425 (1978) and met the requirements defined in the Secretary-General's report of 22 May 2000 (S/2000/460), as well as the Secretary-General's conclusion that the United Nations Interim Force in Lebanon (UNIFIL) had essentially completed two of the three parts of its mandate, focusing now on the remaining task of restoring international peace and security,

Gravely concerned at the persistence of tension and violence along the Blue Line,

Emphasizing once again the interim nature of UNIFIL,

Recalling its resolution 1308 (2000) of 17 July 2000,

Recalling also its resolution 1325 (2000) of 31 October 2000,

Recalling further the relevant principles contained in the Convention on the Safety of United Nations and Associated Personnel adopted on 9 December 1994,

Responding to the request of the Government of Lebanon to extend the mandate of UNIFIL for a new period of six months presented in the letter from its Permanent Representative to the United Nations of 11 January 2005 to the Secretary-General (S/2005/13), while reaffirming that the Council has recognized the Blue Line as valid for the purpose of confirming Israel's withdrawal pursuant to resolution 425 and that the Blue Line must be respected in its entirety,

Expressing its concern over the tensions and potential for escalation as noted in the Secretary-General's report of 20 January (S/2005/36),

05-22384 (E) 280105

1. *Endorses* the report of the Secretary-General on UNIFIL of 20 January (S/2005/36);

2. *Decides* to extend the present mandate until 31 July 2005;

3. *Reiterates* its strong support for the territorial integrity, sovereignty and political independence of Lebanon within its internationally recognized boundaries and under the sole and exclusive authority of the Government of Lebanon;

4. *Calls upon* the Government of Lebanon to fully extend and exercise its sole and effective authority throughout the south, including through the deployment of sufficient numbers of Lebanese armed and security forces, to ensure a calm environment throughout the area, including along the Blue Line, and to exert control over the use of force on its territory and from it;

5. *Calls on* the parties to ensure UNIFIL is accorded full freedom of movement throughout its area of operation as outlined in the Secretary-General's report, and requests UNIFIL to report any obstruction it may face in the discharge of its mandate;

6. *Reiterates its call on* the parties to continue to fulfil the commitments they have given to respect fully the entire withdrawal line identified by the United Nations, as set out in the Secretary-General's report of 16 June 2000 (S/2000/590), to exercise utmost restraint and to cooperate fully with the United Nations and UNIFIL;

7. *Condemns* all acts of violence, including the recent incidents across the Blue Line that have resulted in the killing and wounding of United Nations military observers, *expresses great concern* about the serious breaches and the sea, land and continuing air violations of the withdrawal line, and *urges* the parties to put an end to these violations, to refrain from any act or provocation that could further escalate the tension and to abide scrupulously by their obligation to respect the safety of the UNIFIL and other United Nations personnel;

8. *Supports* the continued efforts of UNIFIL to maintain the ceasefire along the withdrawal line through mobile patrols and observation from fixed positions and through close contacts with the parties to correct violations, resolve incidents and prevent their escalation, while stressing the primary responsibility of the parties in this regard;

9. *Welcomes* the continued contribution of UNIFIL to operational mine clearance, *encourages* further assistance in mine action by the United Nations to the Government of Lebanon in support of both the continued development of its national mine action capacity and clearance of the remaining mine/UXO threat in the south, *commends* donor countries for supporting these efforts through financial and in-kind contributions and *encourages* further international contributions, and *stresses* the necessity for provision to the Government of Lebanon and UNIFIL any additional existing maps and minefield records;

10. *Requests* the Secretary-General to continue consultations with the Government of Lebanon and other parties directly concerned on the implementation of this resolution and to report thereon to the Council before the end of the present mandate as well as on the activities of UNIFIL and the tasks presently carried out by the United Nations Truce Supervision Organization (UNTSO);

11. *Expresses* its intention to review the mandate and structures of UNIFIL at the end of the present mandate and requests the Secretary-General, following appropriate consultations, including with the Lebanese Government, to include in his report recommendations in this regard, taking into account the prevailing situation on the ground, the activities actually performed by the Force in its area of operation and its contribution towards the remaining task of restoring international peace and security;

12. *Looks forward* to the early fulfilment of the mandate of UNIFIL;

13. *Stresses* the importance of, and the need to achieve, a comprehensive, just and lasting peace in the Middle East, based on all its relevant resolutions including its resolutions 242 (1967) of 22 November 1967 and 338 (1973) of 22 October 1973.

United Nations S/2005/54

Security Council

Distr.: General
28 January 2005
English
Original: French

Denmark, France, Romania, United Kingdom of Great Britain and Northern Ireland and United States of America: draft resolution

The Security Council,

Recalling its resolutions 1572 (2004) of 15 November 2004 and 1528 (2004) of 27 February 2004, as well as the relevant statements of its President in particular those of 16 December 2004 (S/PRST/2004/48), of 6 November 2004 (S/PRST/2004/42) and of 5 August 2004 (S/PRST/2004/29),

Reaffirming its strong commitment to the sovereignty, independence, territorial integrity and unity of Côte d'Ivoire, and *recalling* the importance of the principles of good neighbourliness, non-interference and regional cooperation,

Recalling that it endorsed the agreement signed by the Ivorian political forces in Linas-Marcoussis on 24 January 2003 (S/2003/99) (the Linas-Marcoussis Agreement) approved by the Conference of Heads of States on Côte d'Ivoire, held in Paris on 25 and 26 January 2003, and the Agreement signed in Accra on 30 July 2004 (the Accra III Agreement),

Deploring once again the repeated violations of the ceasefire agreement of 3 May 2003,

Recalling strongly the obligations of all Ivorian parties, the Government of Côte d'Ivoire as well as the Forces nouvelles, to comply fully with the ceasefire agreement of 3 May 2003, to refrain from any violence, in particular against civilians including foreign citizens, and to cooperate fully with the activities of the United Nations Operation in Côte d'Ivoire (UNOCI),

Welcoming the efforts of the Secretary-General, the African Union and the Economic Community of West African States towards re-establishing peace and stability in Côte d'Ivoire, and reaffirming in this regard its full support to the ongoing facilitation mission undertaken by President Thabo Mbeki, President of the Republic of South Africa, on behalf of the African Union,

Welcoming also the decision of the Peace and Security Council of the African Union on Côte d'Ivoire taken on 10 January 2005 in Libreville, Gabon, and noting its communiqué issued on that occasion,

Determining that the situation in Côte d'Ivoire continues to pose a threat to international peace and security in the region,

Acting under Chapter VII of the Charter of the United Nations,

05-22634 (E) 010205

1. *Reaffirms* its decision in paragraph 7 of resolution 1572 of 15 November 2004 that all States, particularly those bordering Côte d'Ivoire, take the necessary measures to prevent the direct or indirect supply, sale or transfer to Côte d'Ivoire of arms or any related materiel as well as the provision of any assistance, advice or training related to military activities;

2. *Authorizes* UNOCI and the French forces which support it, within their capacity and without prejudice to their mandate set out in resolution 1528 (2004) and paragraph 3 below:

(a) To monitor the implementation of the measures imposed by paragraph 7 of resolution 1572 (2004), in cooperation with the group of experts referred to in paragraph 7 below, and, as appropriate, with the United Nations Mission in Liberia, the United Nations Mission in Sierra Leone and Governments concerned, including by inspecting, as they deem it necessary and as appropriate without notice, the cargo of aircraft and of any transport vehicle using the ports, airports, airfields, military bases and border crossings of Côte d'Ivoire;

(b) To collect, as appropriate, arms and any related materiel brought into Côte d'Ivoire in violation of the measures imposed by paragraph 7 of resolution 1572 (2004), and to dispose of such arms and related materiel as appropriate;

3. *Requests* the French forces which support UNOCI, in addition to their mandate set out in resolution 1528 (2004), to provide, as appropriate, security assistance to UNOCI in carrying out the tasks set out in paragraph 2 above;

4. *Acknowledges* that the appropriate civilian expertise within UNOCI is needed to fulfil the tasks set out in paragraph 2 above, to the extent that no additional resources are required;

5. *Demands* that all Ivorian parties, including the Government of Côte d'Ivoire and the Forces nouvelles, provide unhindered access, particularly to equipment, sites and installations referred to in paragraph 2 above, to UNOCI and French forces which support it to enable them to carry out the tasks set out in paragraphs 2 and 3 above;

6. *Requests* the Secretary-General and the French Government immediately to report to the Security Council, through the Security Council Committee established by paragraph 14 of resolution 1572 (2004) (the Committee), any hindrance or difficulty in implementing the tasks described in paragraph 2 (b) above, so that the Security Council can consider all appropriate measures against any individual or group that hinders the implementation of these tasks;

7. *Requests* the Secretary-General, in consultation with the Committee, to create, as referred to in paragraph 17 of resolution 1572 (2004), within thirty days from the date of adoption of this resolution, and for a period of six months, a group of experts consisting of no more than three members (the Group of Experts), having the necessary skills to perform the following mandate:

(a) To examine and analyse information gathered by UNOCI and the French forces in the context of the monitoring mandate set out in paragraph 2 above;

(b) To gather and analyse all relevant information in Côte d'Ivoire, countries of the region and, as necessary, in other countries, in cooperation with the governments of those countries, on flows of arms and related materiel, and

provision of assistance, advice or training related to military activities as well as networks operating in violation of the measures imposed by paragraph 7 of resolution 1572 (2004);

(c) To consider and recommend, where appropriate, ways of improving the capabilities of States, in particular those in the region, to ensure the effective implementation of the measures imposed by paragraph 7 of resolution 1572 (2004);

(d) To report to the Security Council in writing within 90 days from its establishment, through the Committee, on the implementation of the measures imposed by paragraph 7 of resolution 1572 (2004), with recommendations in this regard;

(e) To keep the Committee regularly updated on its activities;

(f) To exchange with UNOCI and the French forces, as appropriate, information that might be of use in fulfilling its monitoring mandate set out in paragraph 2 above;

(g) To provide the Committee in its reports with a list, with supporting evidence, of those found to have violated the measures imposed by paragraph 7 of resolution 1572 (2004), and those found to have supported them in such activities, for possible future measures by the Council;

(h) To cooperate with other relevant groups of experts, in particular that established on Liberia by resolutions 1521 of 22 December 2003 and 1579 of 21 December 2004;

8. *Calls upon* the Government of Côte d'Ivoire and the Forces nouvelles, specifically their armed forces, to cooperate with UNOCI in establishing, within 45 days from the date of adoption of this resolution, a comprehensive list of armaments in the possession of these armed forces and in possession of paramilitary troops and militias associated with them, as well as their location, in particular aircraft and their armament of any kind, missiles, explosive devices, artillery of any calibre, including anti-aircraft artillery, and armoured and non-armoured vehicles, in order to help UNOCI to fulfil the tasks set out in paragraph 2 above and to assist in undertaking the regrouping of all the Ivorian forces involved and in implementing the national programme for the Disarmament, Demobilization and Reintegration of combatants in accordance with resolution 1528 (2004);

9. *Requests* the Secretary-General to communicate as appropriate to the Security Council, through the Committee, information gathered by UNOCI and, when possible, reviewed by the Group of Experts, about the supply of arms and related materiel to Côte d'Ivoire;

10. *Requests* also the French Government to communicate as appropriate to the Security Council, through the Committee, information gathered by the French forces and, when possible, reviewed by the Group of Experts, about the supply of arms and related materiel to Côte d'Ivoire;

11. *Urges* all States, relevant United Nations bodies and, as appropriate, other organizations and interested parties, to cooperate fully with the Committee, the Group of Experts, UNOCI and the French forces, in particular by supplying any information at their disposal on possible violations of the measures imposed by paragraph 7 of resolution 1572 (2004);

12. *Expresses* its grave concern at the use of mercenaries by both Ivorian parties, and urges both sides immediately to desist from this practice;

13. *Recalls* its request set out in paragraph 15 of resolution 1572 (2004) to all States, in particular those in the region, to report to the Committee on steps they have taken to implement the measures imposed by paragraph 7 of resolution 1572 (2004);

14. *Expresses* its intention to consider the recommendations of the Secretary-General contained in his report dated 9 December 2004 (S/2004/962), including its addendum (S/2004/962/Add.1);

15. *Decides* to remain actively seized of the matter.

United Nations S/2005/55

Security Council

Distr.: General
28 January 2005
English
Original: French

Letter dated 26 January 2005 from the Permanent Representative of Côte d'Ivoire to the United Nations addressed to the President of the Security Council

On the instructions of my Government, I have the honour to transmit to you herewith a copy of the letter dated 14 January 2005 from the Deputy Director of the Office of the President of the Republic of Côte d'Ivoire addressed to the Special Representative of the Secretary-General of the United Nations for Côte d'Ivoire (see annex).

I should be grateful if you would have the text of the present letter and its annex circulated as a document of the Security Council.

(*Signed*) Philippe D. **Djangoné-Bi**
Ambassador
Permanent Representative

05-22333 (E) 310105 310105

Annex to the letter dated 26 January 2005 from the Permanent Representative of Côte d'Ivoire to the United Nations addressed to the President of the Security Council

Letter dated 14 January 2005 from the Deputy Director of the Office of the President of the Republic of Côte d'Ivoire addressed to the Special Representative of the Secretary-General of the United Nations for Côte d'Ivoire

I have the honour to address you in order to communicate my concern over the tone taken recently by the opposition press, which is clearly making every effort to poison the fragile atmosphere of calm that Côte d'Ivoire is currently experiencing.

In a situation so delicate, the priority of all should be to foster a return to dialogue, allay tensions and avoid the diffusion of false information likely to turn groups of people against one another.

For example, *Le Patriote* on page 5 of its issue No. 1578 of 4 January 2005 published an article with the headline "Rebuilding the death squads at the highest levels of Government" by Mr. Edgar Kouassi, which speaks of "opposition leaders and journalists on the Gbagbo black list".

News reports of this kind are a concern to all of us. This daily paper, *Le Patriote*, published other hate articles prior to the conflict, describing, for example, the division of Côte d'Ivoire into two parts, the northern part to become an Islamic State. The situation of Côte d'Ivoire since 19 September 2003 shows that they were in fact announcing the terrible war in which the country has been enmeshed for over two years.

Now the same daily paper is prophesying assassinations.

In view of the responsibility of the national and foreign media in setting off and prolonging the crisis, as was stressed on page 46 of the report of the United Nations International Commission of Inquiry on the situation in Côte d'Ivoire, I would like to request that you take note of what is written in the press and in particular in *Le Patriote*. If they cannot publish truthful, cool-headed information that could promote a return to peace, the press and other media should at least refrain from adding to the already tense social environment.

We should all take to heart the appeal to reconciliation, national unity and peace sent out by President Laurent Gbagbo in his address to the nation on 31 December 2004.

President Gbagbo asked everyone, and in particular the press and other media, to refrain from statements that could incite to intolerance and hatred.

We must all cultivate a spirit of peace and tolerance conducive to national unity.

(*Signed*) S. **Ottro Zirignon-Touré**
Deputy Director of the Office of the President of the Republic
Ambassador Extraordinary and Plenipotentiary to the
United Nations Operation in Côte d'Ivoire (UNOCI)

United Nations S/2005/36

Security Council

Distr.: General
28 January 2005

Original: English

Letter dated 27 January 2005 from representatives of Australia, Canada and New Zealand to the United Nations addressed to the President of the Security Council

All reports indicate that the situation in Darfur is deteriorating, and we are gravely concerned for the safety of those persons living there as the conflict continues. We believe that the Security Council is uniquely placed to assist in promoting and advancing the protection of civilians in the Darfur region. We would like to reiterate, in this regard, our strong support for the previous Security Council resolutions passed on Darfur, and our confidence in the importance of their full and effective implementation. As such, we would like to suggest a number of proposals, which we believe the Security Council should consider in addressing this situation further.

As a first measure, we believe that the Security Council should establish a committee to monitor the implementation of the arms embargo called for in resolution 1556 (2004) of 30 July 2004. This committee should not only establish mechanisms to monitor the arms embargo, but should also seek, ideally with the assistance of a panel of experts, to address the origins of arms flows to those actors covered in resolution 1556 (2004). We would anticipate that the committee would seek, among other things, to determine: (a) who is funding armed militias in Darfur, including pro-government militias, rebel movements and other emerging movements in their arms purchases; and (b) where the arms are coming from. Such a committee can help to ensure that existing Security Council resolutions are being properly implemented and identify areas where further attention by the Council may be necessary.

As a second measure, the Security Council should also look at designing targeted measures that may bring greater pressure to bear on all parties to the conflict to comply with their undertakings and with Security Council resolutions. Those measures could include individual travel bans and freezing of assets.

As a third measure, the Security Council should mandate the Secretary-General, in his next report on Darfur, to give further attention to an assessment of the extent to which the parties to the conflict have respected the obligations imposed on them by earlier Security Council resolutions. Analysis of compliance with the obligations outlined in resolutions 1556 (2004), 1564 (2004) (18 September 2004) and 1574 (2004) (19 November 2004) would ensure that conclusions drawn and measures proposed in future resolutions are grounded in fact and are meaningful.

05-22434 (E) 310105

Finally, should the International Commission of Inquiry established pursuant to resolution 1564 (2004) determine that crimes within the jurisdiction of the International Criminal Court have been committed, we strongly believe that the Security Council should refer the matter to the Court as the most appropriate body to investigate such crimes.

We would be grateful if you would circulate the present letter as a document of the Security Council.

(*Signed*) John **Dauth**
Ambassador
Permanent Representative of Australia to the United Nations

(*Signed*) Gilbert **Laurin**
Chargé d'affaires a.i.
Deputy Permanent Representative of Canada to the United Nations

(*Signed*) Don **MacKay**
Ambassador
Permanent Representative of New Zealand to the United Nations